IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 20TH DECEMBER 2006/29TH AGRAHAYANA 1928

WP(C).No. 27923 of 2006(Y)

PETITIONER:

PULIYAKKOT SREEKUMAR,
S/O.KADOOR VELAYUDHAN NAIR,
AGED 44 YEARS, SREE VIHAR HOUSE,
EDATHARA, PALAKKAD DISTRICT.

BY ADV. SRI.E.R.VENKATESWARAN

RESPONDENTS:

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1. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, MALAPPURAM.

2. THE SUB INSPECTOR OF POLICE,
MAKARA POLICE STATION, PALAKKAD.

BY ADV. SRI.N.ANILKUMAR, ADDL.CGSC
GOVERNMENT PLEADER SMT.N.SUDHA DEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.27923 OF 2006

APPENDIX:

PETITIONER'S EXHIBITS:

EXT.P1- PHOTO COPY OF PETITIONER'S PASS PORT NO. E 2585056

EXT.P2- PHOTO COPY OF the APPLICATION DATED 16-10-2006 FOR DUPLICATE PASSPORT SUBMITTED BEFORE THE FIRST RESPONDENT.

EXT.P2A- PHOTOCOPY OF the AFFIDAVIT SWORN BEFORE THE JUDICIAL IST CLASS MAGISTRATE DATED 11-10-06.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.27923 of 2006-Y

Dated this the 20th day of December, 2006

JUDGMENT

The petitioner was the holder of an Indian passport. He submits that it was completely destroyed at the hands of termites. So, he applied for duplicate passport. But, the said application has not been considered by the first respondent. The respondent would submit that if the passport is lost, the petitioner has to lodge information before the Station House Officer and get a crime registered. If it is damaged, he should produce the remaining portion of the passport. Since the petitioner failed to satisfy none of the above conditions, a duplicate passport cannot be granted.

2. Heard. If the passport is destroyed by termites, the police cannot register any crime. A crime can be registered and FIR can be forwarded to the Magistrate concerned if only there is a cognizable offence. Since the passport is completely destroyed, he cannot produce the remaining portion also. In view of the above position, the rules framed by the respondents to guide discretion for grant of duplicate passport cannot have application

in this case. The competent authority, if he is satisfied that the petitioner's case is genuine, is bound to issue a duplicate passport, without complying with the conditions in the rules which is impossible of performance in this case. Accordingly, the first respondent is directed to consider and pass orders on the application of the petitioner, after holding an enquiry into the claim made by the petitioner.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE.

MS